

REMARKS

This responds to the Office Action mailed March 10, 2011. Applicants believe this response is timely and that no extension of time is needed or fees due. In the event this is not correct, applicants petition for an extension of time and authorize the commissioner to charge any fees due to Deposit Account No. 01-2300 referencing docket no. 021305-00294.

Claims 10, 11 and 14 are active. Claim 14 is allowable. Claims 10 and 11 are herewith amended. Thus, with the entry of this amendment, claim 10, 11 and 14 will be active. Support for the amendment to claims 10 and 11 can be found, *inter alia*, at page 7, lines 13-17 in the specification. No new matter is added with the amendment .

I. Double Patenting Rejection

The Examiner has provisionally rejected claims 10 and 11 over claim 3 in co-pending US application no. 12/278,912 for obviousness- type double patenting. Applicants traverse this provisional rejection in view of the amendment to claims 10 and 11. In further response, applicants point out that this is a provisional rejection and that no claims in US application no. 12/278,912 have been allowed. Applicants will revisit this provisional rejection upon the indication of the allowance of claims 10 and 11.

II. Rejection under 35 USC § 102

The Examiner has rejected claims 10 and 11 under 35 USC § 102(e) over "Avrameas" (US 2003/0199677). According to the Examiner, Avrameas teaches a composition comprising cell-penetrating peptides having the amino acid sequence of SEQ ID NO: 21, wherein the peptides have the advantageous capacity to allow transport of active substances through biological membranes and barriers. The peptides are said to be coupled to an active substance. SEQ ID NO: 21 is said to be identical to SEQ ID NO:

3. SEQ ID NO: 21 is said to contain a salicylic motif spacer arm and the peptide is said to combine covalently or non-covalently to one or more or some substances of interest.

Thus, according to the Examiner, Avrameas anticipates the inventions of claims 10 and 11 because such claims recite SEQ ID NO: 3. Applicants respectfully traverse this rejection. Applicants have amended claims 10 and 11 to recite that the peptide is directly covalently bound to the antibacterial compound. Consequently, the peptide of claim 10 and 11 are not linked by way of a spacer arm. Because Avrameas discloses SEQ ID NO: 21 which contains a salicylic motif spacer arm, it cannot directly covalently bind to the antibacterial compound. As such Avrameas does not anticipate the subject matter of new claims 10 and 11. Withdrawal of this rejection also is respectfully requested. Withdrawal of this rejection is therefore respectfully requested.

CONCLUSION

Withdrawal of all objections and rejections is respectfully requested in view of the above amendments and arguments. Applicants believe all the pending claims are in condition for allowance and request an early notification of the same. The Examiner is invited to contact the undersigned at the telephone number listed below, for any reason related to the advancement of this case.

Respectfully submitted,

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